

REMARKS

Applicant hereby requests an extension of time.

The Office Action raised an issue under 35 U.S.C. §112 as to support for the amendments of independent Claims 1, 15 and 27. The Office Action contended that the specification did not support the claims and noted specifically Figure 15 which disclosed a notch and slot arrangement.

Actually, the present invention is not as limited as asserted in the Office Action rejection as can be seen on page 14, lines 10-22:

Please note that, as explained above, the structure in which the notch portion 28 and the claw portion 27 are interlocked at the edge of the plate 16 is merely one example of mounting the correction coil 15 on the plate 16 in the deflection yoke 6 of the present invention, and many other methods of mounting are possible. (Underline added.)

\* \* \*

Furthermore, it is possible to insert the tips of the fixing member 26 into the insertion aperture 31 and fix the fixing member 26 and the plate 16 without providing claw portions 27, or the correction coil 15 can be fixed by providing a slit in the plate 16 and inserting the fixing member 26.

On page 15, lines 3-8, our invention is described as:

However, the structure is not limited to the above-described examples, but the structure may be such that the members that mount the correction coil 15 may be affixed to the plate 16 by an adhesive.

Finally, applicant would refer the Examiner to Page 16, Lines 4-10, where it is noted that the correction coil 15 can be fixed over a range of Z = 2 to 4 mm.

Thus, there is clearly a teaching in our present invention to permit a range of adjustment which is also consistent with an ability to remove a defective part and replace it and, for

example, we can provide a slit which would permit relative movement as opposed to a notch being affixed within a fixed slot.

New Figure 17 is supported by our specification and discloses a slit arrangement that permits relative movement of the corrective coil to a desired corrective position. Thus a subjective adjustment can be accomplished over the range of the slit opening and can be held at that position with adhesive.

Since the invention is directed to improving the economy of manufacturing a color picture tube in a relatively crowded art, a feature of adjustability to permit a correction coil to be set, after an initial assembling of a vertical deflection coil onto an insulating frame, provides an advantage and manufacturing procedure in a relatively uncomplicated. Because a screen-facing surface of the plate does not have any protrudance that will get in the way, the present invention provides further advantages in making it possible to arrange one or more correction coils to be adjustably moved along the flat plat screen-facing surface of the setting member to a desired position, e.g., moved over 2 to 4 mm.

The principally cited *Kim* (U.S. Patent No. 5,763,994) reference basically teaches an arrangement, as can be seen from Figure 3A, wherein a corrector 50 is set at the screen side of the plate in a position which is considerably behind (on the electron gun side) and away from the toroidal-type deflection yoke 34 on which the coil is wound on the core. The *Kim* reference not only fails to teach a screen-facing wall surface of a setting member and the rear end of the electron gun-side bend portion of the vertical deflection coil positioned adjacent to each other, but further does not teach an adjustable mounting of a correction coil to facilitate the manufacturing steps. There is no suggestion in the teaching of the *Kim* reference to set a correction coil above the outer surface of the electron gun-side bend portion since its deflection

coil is not of a bend-up-less type. *Kim* discloses an arrangement wherein the correction coil is disposed on the screen-facing surface of the plate which is provided on an electronic gun side of a toroidal-type deflection yoke.

The *Saito et al.* (Japanese Laid-open Patent Application 5-20250) was cited for a correction coil that could be attached from the electron gun side at a set fixed position by a snap mounting of prongs. Again, the *Saito et al.* reference is not addressing an issue of the correction coil positioned above the outer surface of the electron gun side bent portion. The *Saito et al.* reference basically discloses a snap mounting at a fixed position with respect to the deflection yoke.

To resolve these problems, the Office Action further cited the *Choi* (U.S. Patent No. 6,559,588) in combination with the admitted art of Figure 1 to teach specifically a correction means with position adjustment along the surface of the setting member. As noted on Page 5 of the Office Action, it was admitted that (the admitted art) and the *Kim* and *Saito et al.* references specifically failed to teach or suggest any adjustable moving along a wall surface of a setting member to a desired corrected position.

The Office Action cited the admitted prior art of applicant which is shown in Figure 1 of our present application. In this regard, the rear end of the electron gun side bent portion is positioned adjacent to a back cover 31, and the correction coil is set above the outer surface of the electron gun side bent portion. There is no teaching or suggestion of a setting member in the form of a plate whose screen-facing surface is flat and there is certainly no teaching of a structure that allows the correction coil to be attached to a wall surface from the screen side.

The *Choi* reference has an effective prior art date of June 16, 2000. Our present application, however, is a PCT application with an effective priority date of November 10, 1998,

even our international filing date of October 29, 1999 is substantially before the invention of *Choi*. Thus, it is respectfully submitted that the rejection of Claims 1, 15, 21, 23-25 and 27-28 is improper and should be allowable over the cited references.

The Office Action further rejected Claims 4, 10-12, 18 and 22 as being unpatentable over the prior art admitted by the applicant in view of the *Kim* reference, the *Saito et al.* reference, and further, *Kohzuki et al.* (U.S. Patent No. 4,788,470) and *Hishiki et al.* (U.S. Patent No. 6,046,538). These rejected claims are dependent claims from respectively independent Claim 1 and independent Claim 15. Accordingly, it is believed that the rejection of these dependent claims also must rely upon the *Choi* reference in combination with the four other references. However, applicant has demonstrated that the *Choi* reference, however, is not available, and the Office Action readily admits that neither the *Kim* nor *Saito et al.* references teach the features of the present invention.

The *Kohzuki et al.* (U.S. Patent No. 4,788,470) and the *Hishiki et al.* (U.S. Patent No. 6,046,538) were primarily cited for secondary features such as the disclosure of the legs and the E-shaped cores. They also fail to provide a teaching that would render the present invention obvious under 35 U.S.C. §103.

Claims 5-8 and 26 are again dependent claims and depend respectively from independent Claim 1. The Office Action contended that these claims were also unpatentable over the admitted prior art of applicant in view of *Kim*, *Kohzuki et al.* and *Hishiki et al.* when taken in view of the *Endo* (U.S. Patent No. 4,300,285) and the *Ishiwata* (U.S. Patent No. 5,433,498). Again, since these are dependent claims, it is believed that the basic references required to reject independent Claim 1 are also necessary to justify such a rejection. Accordingly, it is believed

that eight references are being utilized in the rejection, and again the key teaching reference would be the *Choi* reference which is not prior art.

The *Choi* reference, however, is of interest in disclosing what the U.S. Patent Office considered to be allowable subject matter since it is clear that Claim 1 of the *Choi* reference indicates that having correction means provided on a rear cover part of the coil separator with position adjusting means permitting the correction means to be moved relative to the rear cover part to permit a fine and precise adjustment was patentable subject matter over the prior art on May 6, 2003. This is instructive as to what should be a standard of obviousness in this field and the reliance upon six, seven or eight references, including one reference that is not, in fact, prior art to the present invention, would appear to be inappropriate and certainly not meeting the required standards of 35 U.S.C. §103.

It should be noted that the citation of the *Endo* (U.S. Patent No. 4,300,285) and the *Ishiwata* (U.S. Patent No. 5,433,498) are respectively in the non-analogous art of safety razors and the connection of trim to the body panel of a motor vehicle. Applicant respectfully submits that since the principally relied-upon references, that are least arguably within the art of the present invention, never recognized the problem nor suggest a particular solution in a relatively crowded field that it is highly improper to seek either a safety razor or an automobile mounting trim to resolve an issue in the economical manufacturing of a color picture tube. Certainly these references are not reasonably pertinent to the particular problem that our invention was addressing. Common sense would dictate that a person would not be seeking a solution in a razor for shaving your face, or in the mounting of trim to the body panel of a car.

The case of *In re Oetiker*, C.A.F.C., 977 F.2d 1443, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992) would appear to be pertinent to this form of rejection.

In order to rely on a reference as a basis for rejection of the applicant's invention, , the reference must either be in the field of . the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.

\*\*\* Patent examination is necessarily conducted by hindsight, with complete knowledge of the applicant's invention, and the courts have recognized the subjective aspects of determining whether an inventor would reasonably be motivated to go to the field in which the examiner found the reference, in order to solve the problem confronting the inventor. We have reminded ourselves and the PTO that it is necessary to consider "the reality of the circumstances" \*\*\* – in other words, common sense – in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor.

It has not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant's invention itself. (Underline added.)

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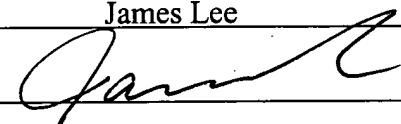
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In view of the above comments and the mooting of the *Choi* (U.S. Patent No. 6,559,588) reference as prior art, it is believed that the case is now in condition for allowance, and an early notification of the same is requested. If the Examiner has any questions, the undersigned attorney will appreciate a telephone conference.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 1, 2004.

By: James Lee

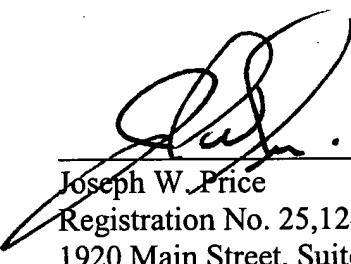


Signature

Dated: April 1, 2004

Very truly yours,

**SNELL & WILMER L.L.P.**



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